

47.101.08

Trademark Identical or Similar to Another Person's Well-Known Trademark

When two or more collectives have trademarks that are identical or similar to each other and each of which is well known among consumers, these trademarks may cause confusion among customers and are not entitled to be registered as a regional collective trademark according to the provision of Article 4(1)(x) of the Trademark Act, as is the case with regular trademarks.

When these collectives jointly file an application, including changing the ownership of the registration, this provision is not applied to the application.

1. Regional collective trademarks with identical types of the characters but different fonts

Even when two or more collectives use different trademarks, if these have similar appearances or seem almost identical to the trademarks filed by these collectives, examiners consider the filed trademarks as trademarks jointly filed by the collectives (or as trademarks whose ownership the collectives change after having jointly filed the application), which results in all the trademarks satisfying the requirement for registering a regional collective trademark. Then, the examiners may decide to register the filed trademarks based on the idea that the trademarks are well known enough to indicate the goods or services connected to the business of these collectives or the members of these collectives.

Example

When Agricultural Cooperative AAA uses a trademark “東京小豆” (azuki beans produced in Tokyo) for goods “azuki beans,” and Agricultural Cooperative ZZZ uses a trademark “東京小豆” also for goods “azuki beans,” each of which satisfies the requirement of Article 7-2(1) of the Trademark Act, examiners decide to register the trademark “東京小豆” as a regional collective trademark for the designated goods “azuki beans” as an application which AAA and ZZZ have jointly filed while examiners would usually apply Article 4(1)(x) of the Trademark Act to such application.

2. Regional collective trademarks with different types of characters

When filed trademarks which two or more collectives use adopt different types of characters, such as using kanji characters and hiragana characters respectively, these trademarks are not entitled to be registered since they are different and not considered to be an application for registering an identical regional collective trademark.

Example

When Agricultural Cooperative AAA uses a trademark “東京小豆” (azuki beans produced in Tokyo) for designated goods “azuki beans,” and Agricultural Cooperative ZZZ uses

the trademark “とうきょうあずき” (azuki beans produced in Tokyo written in hiragana characters) also for designated goods “azuki beans,” these trademarks may cause confusion among consumers and neither of them are entitled to be registered as a regional collective trademark according to Article 4(1)(x) of the Trademark Act even though these trademarks satisfy the requirement of Article 7-2(1) of the Trademark Act.

Click below to see the Examination Guidelines for Trademarks

Examination Guidelines for Trademarks:

[Article 4\(1\)\(x\) \(Well-Known Trademark of Another Person\)](#)

[Article 7-2 \(Regionally based collective trademarks\)](#)